

REMARKS

Claims 1, 3-20 and 22-30 are pending in this application. By this Amendment, claim 1 is amended. No new matter is added by this amendment. Reconsideration of the application based on the above amendment and the following remarks is respectfully requested.

Entry of the amendment is proper under 37 C.F.R. §1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed below; (b) does not raise any new issue requiring further search and/or consideration as the amendment amplifies issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; and (d) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

The Office Action, in paragraph 3, rejects claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 1 is amended to obviate this rejection. Accordingly, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §112, second paragraph, are respectfully requested.

The Office Action, in paragraph 5, rejects claims 1, 3-20 and 22-30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0008253 to Monroe, and in view of U.S. Patent Application Publication No. 2003/0041155 to Nelson et al. (hereinafter "Nelson") or U.S. Patent Application Publication No. 2002/0004411 to Heppe et al. (hereinafter "Heppe"). The Applicants respectfully traverse these rejections.

The Office Action concedes that Monroe does not specifically disclose a system comprising an Aircraft Communication and Reporting System (ACARS) transceiver located

on the aircraft to send and receive messages. The Office Action relies on Nelson, or Heppe, to overcome the deficiency, as discussed above.

The Office Action asserts that Nelson teaches that a user employs the at least one portable control and display unit in conjunction with the ACARS transceiver in the manner positively recited in claim 1. This assertion is incorrect. Nelson does not teach a user employing at least one portable control and display unit to send and receive messages via ACARS, the message comprising data, voice and video communications.

Nelson teaches that the aircraft data server, as illustrated in Fig. 1 (110), consists of a plurality of interface units (paragraph [0039]). One of these interface units is the ARINC-429 bus interface (145) that can be used by the server to receive data from a plurality of onboard management systems and to allow access to an additional bearer service via the existing ACARS messaging capabilities. Therefore, Nelson teaches that the ACARS system can be interfaced through the aircraft data server (110) as typically employed onboard an aircraft. Nelson is silent regarding a user, employing at least one portable control and display unit to transmit, and receive, messages, consisting of data, voice and video communications, from a remote operation center via the ACARS transceiver. The employment of ACARS, as discussed in the disclosure of Nelson, includes the simple reporting of aircraft management data to and from a ground station. At no point, does the employment of the ACARS system in Nelson contemplate the sending and receiving of data, consisting of voice, and video communication.

The Office Action asserts that Heppe discloses that a commercial aircraft commonly transmits and receives air ground digital information using a data protocol, ACARS. Specifically, the Office Action refers to paragraph 3 for support of this assertion. However, paragraph 3 describes the normal deployment of ACARS within an aircraft. Heppe goes on to teach that it is the responsibility of the service provider to manage the air/ground exchange

of data and provide routing and protocol conversions as needed to interface with the intended users ground-based systems, therefore, indicating that ACARS, as typically deployed, is not compatible with ground-based stations to send and receive voice and video communications. As such, ACARS, as routinely deployed, is unable to interface due to a lack of protocol conversions with the intended users systems. Additionally, Heppe teaches in paragraph [0004] that a disadvantage of ACARS is the inability to deliver time-critical information in a reliable manner. As such, Heppe teaches that ACARS would be unsuitable for the application as described in the subject matter of the pending claims. That is, to send and receive messages from a remote operation center via the ACARS transceiver communicating through a VHF radio on board the aircraft, the messages comprising the at least one of data communication, voice communication and video communication, because of its inability to deliver time-critical information in a reliable manner. Therefore, Heppe does not teach, nor would it have suggested, the employment of ACARS, as described in the subject matter of the pending claims, and as supported by the Applicants' disclosure.

Any permissible combination of the applied prior art references do not overcome the deficiencies, as discussed above, as applied to the subject matter of the pending claims.

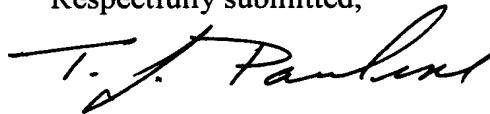
For at least the above reasons, Monroe, Nelson and Heppe cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features recited in at least independent claims 1 and 20. Further, claims 3-19 and 22-30 would also not have been suggested by the applied prior art references for at least the respective dependence of these claims on allowable independent claims 1 and 20, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 3-20 and 22-30 under 35 U.S.C. §103(a) as being unpatentable over the combination of applied prior art references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-20 and 22-30 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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